

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRIAN LAWRENCE,

Plaintiff,

v.

CHRIS BUESGEN and JEFFREY PUGH,

Defendants.

OPINION & ORDER

15-cv-230-jdp

Plaintiff Brian Lawrence, a prisoner in the custody of the Wisconsin Department of Corrections at the Stanley Correctional Institution, is pursuing claims that defendant prison officials failed to protect him from an assault by his cellmate even though plaintiff warned staff about the danger. Currently before the court is plaintiff's motion for appointment of counsel. Dkt. 14. I will deny this motion without prejudice.

In addressing plaintiff's request, I note that plaintiff does not have the right to counsel in this civil action for damages, and I do not have the authority to appoint counsel to represent him; I can only recruit counsel who may be willing to serve in that capacity.

To show that it is appropriate for the court to recruit counsel, plaintiff must first show that he has made reasonable efforts to locate an attorney on his own. *See Jackson v. Cnty. of McLean*, 953 F.2d 1070, 1072-73 (7th Cir. 1992) ("the district judge must first determine if the indigent has made reasonable efforts to retain counsel and was unsuccessful or that the indigent was effectively precluded from making such efforts"). To meet this threshold requirement, this court generally requires plaintiffs to submit correspondence from at least three attorneys to whom they have written and who have refused to take the case. Plaintiff has not submitted any correspondence, but has instead given the names of two firms he has

contacted. This by itself is not enough to show that plaintiff has made reasonable efforts to find counsel. If plaintiff decides to file a motion for assistance in recruiting counsel later in this case, then he must provide adequate documentation that he has requested assistance from at least three firms or attorneys, and that these requests have been unsuccessful. Even if he is not in possession of a letter from a firm declining to represent him, he should at least explain when he asked them and how they responded.

Even if plaintiff had shown that he made reasonable efforts to find counsel, I would deny his motion because he has not met the second requirement for assistance in recruiting counsel: demonstrating that his case is one of those relatively few in which it appears from the record that the legal and factual difficulty of the case exceeds his ability to prosecute it. *Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). The next step in this case is likely a motion for summary judgment filed by defendants. Although plaintiff was not required to do so, he has submitted a copy of interrogatories he sent to defendants, Dkt. 13, and my review of those interrogatories shows that plaintiff grasps the issues central to his case. Although plaintiff is relying in part on the assistance of another inmate, nothing in the record indicates that plaintiff will be unable to present his version of events or explain why he believes that defendants violated his rights. I will deny plaintiff's motion now, without prejudice to him renewing it later in the case if it becomes clear that the case is too complex for him to litigate.

ORDER

IT IS ORDERED that plaintiff Brian Lawrence's motion for recruitment of counsel, Dkt. 14, is DENIED without prejudice.

Entered July 12, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge